

In the Matter of)
) WC Docket No. 10-90
Connect America Fund)

November 4, 2013

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I. SUMMARY INTRODUCTION

II. GENERAL ISSUES PRESENTED BY CHALLENGES

¹ For ease of reference throughout this document “4/1” refers to a broadband speed of 4 Mbps downstream and 1 Mbps upstream, and “3/768” refers to a broadband speed of 3 Mbps downstream and 768 kbps upstream.

viable deployments is based in large part on existing network facilities and routes. In turn, a business determination to deploy in certain areas may encompass a need to deploy in a certain set of census blocks or not at all.

Thus, at the outset it is important to recognize what happens if a challenge to CenturyLink's census blocks is successful. First, CenturyLink will lose the support for the locations to which it intended to match that support and deploy 4/1 broadband in any successfully challenged census blocks. Consumers, whose locations had been identified for either first-instance or upgraded broadband deployment, will not get that deployment, because existing or possible competitors have alleged that they are providing or could provide fixed broadband service at speeds of at least 3/768 to at least one consumer in those census blocks.

Further, to the extent that a particular challenge is successful and CenturyLink loses support for the challenged census blocks, that may also have collateral effects on CenturyLink's plans to deploy to locations in unchallenged census blocks. Loss of support in certain census blocks may alter the cost of deploying to locations in nearby unchallenged census blocks such that it is no longer a rational business decision to proceed without the support that would have been provided to locations on the same routes. In other words, a successful challenge in one area may also deprive consumers of planned broadband deployments in unchallenged census blocks. After this challenge process is completed, CenturyLink will need to evaluate the extent to which successful challenges alter its planned deployment in unchallenged census blocks.

Thus, prior to granting a challenge the Bureau should take great care to ensure that the challenger has provided sufficient evidence to convincingly demonstrate that the challenger provides fixed, terrestrial broadband Internet service at speeds of at least 3/768 to customers in each census block challenged. Otherwise, this challenge process will only serve to undermine

the very goals for which CAF Phase I Incremental Support was designed, namely, “to provide an immediate boost to broadband deployment in areas that are unserved by any provider” and “to enable additional deployment beyond what carriers would otherwise take, absent this reform.”²

A. Challengers Should Be Required To Identify The Price Cap Carrier For Each Census Block They Are Challenging

The challenge process requires challengers to file their challenges with the Commission and identify census blocks that they challenge as being served and thus not eligible for Round 2 support. The process has not required challengers to directly notify or otherwise identify the price cap carriers whose census blocks they are challenging. Many challengers explicitly identified the price cap carriers whose census blocks they were challenging as well as identifying which challenged census blocks corresponded to each price cap carrier. Others, however, did not. This resulted in CenturyLink having to comb the filings in WC Docket No. 10-90 to locate any challenge referencing CenturyLink as well as locate any challenge not specifically identifying the price cap carriers challenged. Additionally, several challenges challenged census blocks of more than one price cap carrier without attributing each challenged census blocks to a price cap carrier. This created another layer of analysis for CenturyLink just to identify the full scope of its census blocks being challenged. As a result, CenturyLink had to spend a significant amount of time simply identifying the universe of challenges that it needed to review and to which it needed to respond without any guarantee that we have correctly identified that

² *In the Matter of Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing an Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform - Mobility Fund*, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, GN Docket No. 09-51, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161, 26 FCC Rcd 17663, 17717 ¶ 137 (rel. Nov. 18, 2011) (subsequent history omitted).

universe.³ Included with this response is a comprehensive list of the CenturyLink census blocks that we have identified as being challenged in this Round 2 challenge process.⁴

Also, based on this experience, CenturyLink makes the following recommendations for any future CAF-related challenge process: the Commission should (1) require challengers to clearly identify the carriers they are challenging; (2) require challengers to identify which challenged census blocks correspond to which challenged carriers; (3) provide a Public Notice that identifies all challenges filed, by whom, and against whom and have the response period begin after that Public Notice is released; and (4) dismiss and refuse to consider any challenges that do not comply with the first two recommendations.

B. The Bureau's Evaluation Of Whether There Is Sufficient Evidence To Sustain A Challenge Should Encompass The Following Considerations

1. The Bureau should rely solely on the materials submitted to evaluate a challenge

In determining these challenges, the Bureau should only consider the materials submitted. References to other materials not submitted, even if publicly available, should not be evidence that the area is served. The Bureau should only need to review materials provided by the challenger to evaluate the validity of the challenge.

CenturyLink, in initially identifying its eligible census blocks, only identified census blocks that were identified as unserved or reflected that CenturyLink was the only provider on the National Broadband Map. In other words, CenturyLink in its acceptance of Round 2 support did not challenge the served-by-another-provider status of any census blocks. In turn, with

³ As such, CenturyLink requests that should there be any other challenges to its census blocks that are not addressed in this response, that the Bureau identify those challenges and provide CenturyLink an additional 30-day period to respond to those challenges.

⁴ See List of Challenged CenturyLink Census Blocks, Attachment 1.

respect to the challenges to census blocks that CenturyLink identified for supported broadband deployment, the burden to prove that the challenged census block is served, contrary to the data relied upon by CenturyLink in making its selection, must be squarely on the challenger.

CenturyLink should not have to respond to materials referenced in the challenge process but not directly provided in the process. CenturyLink should only have to respond to the materials actually provided in the filed challenge.⁵ This includes any reliance on updated versions of the National Broadband Map. If a challenger wishes to challenge the unserved or CenturyLink-only served status of a census block based on updated information, it should provide that updated information in its filing, not merely reference it. And, if a challenger does not rely on that information, then CenturyLink should not have any obligation to take updated information into account in responding to the challenge. Otherwise, determining the eligible status of a census block is an ever-changing target that is unworkable if carriers must re-analyze everywhere they identified to deploy broadband using Round 2 support based on a new iteration of the NBM.⁶ Likewise, the Bureau should not have to spend its time locating materials referenced to evaluate the challenge. Instead, it should only have to review the materials provided by the parties to each challenge to make its determination.

2. An officer certification alone should not be sufficient to win a challenge

Several challengers only provided an officer certification as their evidence that they served a census block. An officer certification alone should not be sufficient evidence to

⁵ Additionally, a challenged party should be entitled to review and respond to all materials submitted in the challenge, including any information submitted confidentially. *See* discussion in Section II.C, *infra*.

⁶ If, however, the Bureau is going to consider updated NBM data not presented in a challenge, the Bureau should make that known and provide all challenged parties additional time to respond to this information.

demonstrate that a census block is served and not eligible for Round 2 support. Other evidence should be provided to support the certification. The Commission's *Order* outlining the challenge process states that all filings in the challenge process must be supported by some form of documented evidence.⁷ Specifically, the Commission stated that the Bureau may consider evidence of an appropriate officer certification that could be accompanied by current customer billing records.⁸ The Commission also instructed that the Bureau should not consider "conclusory assertions without supporting evidence that a census block's designation as served or unserved should be changed."⁹ An officer certification that merely states that the challenger is providing the requisite service in a census block is a conclusory statement and is thus not enough without some other documented evidence of service to withstand a challenge. Challenges with only a conclusory officer certification, and without other evidence of service, should fail.

3. An incomplete certification is not valid evidence of broadband service to sustain a challenge

Most challengers included a certification regarding provision of service in the challenged census blocks. Some of those certifications, however, did not include the requisite elements of a certification as described in the Commission's order. Under the Commission's order, evidence that the Bureau could consider includes "a signed certification from an officer of the provider under penalty of perjury that it offers 3 Mbps/768 kbps Internet service to customers in that particular census block."¹⁰ In turn, a certification that does not meet each of these components – specifically, (1) signed, (2) by an officer of the provider, (3) under penalty of perjury, (4) states

⁷ *In the Matter of Connect America Fund*, Report and Order, 28 FCC Rcd 7766, 7779 ¶ 33 (2013).

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

that the challenger offers 3 Mbps/768 kbps broadband Internet service, and (5) in each census block challenged – should not be acceptable evidence to support a challenge. A certification that does not include each of these components lacks the requisite corporate authority, assertion of truthfulness, or description of service to effectively support a challenge. Such incomplete certifications should be disregarded by the Bureau in evaluating a challenge. At a minimum, such incomplete certifications should not be able to sustain a challenge if other evidence is not presented.

4. Serviceable-but-no-service census blocks should not be sustained in a challenge

Several challengers provide certifications or other evidence that certain census blocks they are challenging are census blocks in which they could provide service, but do not actually serve any customers. CenturyLink views that merely being able to provide service in a census block should not be sufficient to win a challenge for that census block. There is likely a continuum of what challengers mean when they assert that they are able to provide service. Some challengers have described that they could provide service if requested within 7 – 10 business days. No challenger has addressed whether there would be additional fees involved in providing requested service, or if it would be the same as any typical service activation. Some have not stated that the service they could provide would be at least 3/768. Most challengers have not provided any explanation as to why they have no customers in these “serviceable” census blocks. Without evidence of the manner in which such service would be provided if requested, the minimum speed at which such service would be provided, or why they currently have no customers in the challenged census blocks, a challenge based on “serviceable” census blocks should not succeed.

The Commission should take care to make a decision to remove support only where the evidence convincingly shows that the challenger is providing fixed broadband service at a minimum speed of 3/768 for each census block challenged. CenturyLink recognizes that a showing that a provider could provide service in a census block, but currently has no customers in that census block arguably could meet the requirement that the unsubsidized provider “offers” broadband service in or “serves” a particular census block. But, given that in this situation a successful challenge will deprive consumers of planned broadband deployment in areas otherwise identified as unserved by a provider of at least 3/768 fixed broadband Internet access service, the challenger should be required to demonstrate that it actually provides service to at least one location in each census block it is challenging. If a challenged census block is only “serviceable” and not actually served, denying Round 2 support for this census block only serves to protect the potential broadband provider from future competition, without helping consumers obtain broadband service.

Requiring documented evidence of current 3/768 broadband service is also critical because of the manner in which the Commission has streamlined the challenge process. The Commission has acknowledged that there are other metrics that are relevant to evaluating whether a provider qualifies as an unsubsidized competitor that may preclude CAF support for an area such as latency, capacity, and price of the broadband service, as well as the availability of voice service from the provider. But the Commission has directed the Bureau to focus on the speed of broadband service for purposes of determining whether an area is eligible for Round 2 support.¹¹

¹¹ *Id.* at 7778 n. 66.

CenturyLink appreciates that an area can be served or a provider can offer service in an area by having plant available to be activated without actually having any customers in the area. But for purposes of this streamlined challenge process, especially given the more limited scope of the Bureau's review of whether an area is served and the impacts of that decision, challengers should be required to demonstrate that they are providing service to at least one location in the census block to sustain a challenge.

5. A challenger must be providing terrestrial, fixed Internet access in the census block to sustain a challenge

The Commission has made clear that the broadband service that a challenger must provide at a minimum speed of 3/768 to support a challenge must be a terrestrial, fixed broadband service.¹² To the extent that a challenger relies on a broadband service that is not terrestrial or fixed, such as satellite or mobile wireless broadband service, that broadband service cannot preclude Round 2 support to those challenged census blocks.

C. The Commission Should Not Consider Information That Has Been Submitted Confidentially And Not Made Available To The Challenged Provider

Many challengers filed their challenges without submitting any materials to the Commission confidentially or otherwise relying on information previously provided to the Commission confidentially to support their challenges. Others, however, submitted information provided to support their challenges to the Commission confidentially or reference confidential data previously submitted to the Commission, specifically Form 477 data, to support their challenges. This makes it difficult and burdensome, if not impossible, for CenturyLink to effectively respond to these challenges.

¹² *Id.* at 7777-78 ¶ 31 & n. 65.

The Bureau should not consider information submitted confidentially as part of this challenge process. Alternatively, the Bureau should require the parties to the challenges to make any confidential material on which they rely immediately available directly to the opposing party in accord with an appropriate protective order addressing provision of confidential information in the challenge process. For this latter approach the Bureau should also afford additional time for price cap carriers to review and respond to the confidential materials.

CenturyLink appreciates and recognizes that certain information, such as customer-specific information such as name, account number, social security number, are private and not relevant to supporting the challenges in this proceeding and should simply be redacted and not provided at all. But, other information, such as street address or other customer location information, as well as type and speed of service provided, are highly relevant to this proceeding and CenturyLink should be able to review that information in order to provide a response to the challenge. CenturyLink should be able to review all the evidence that the challenger relies on in making the challenge. If the challenger prefers not to share that information with CenturyLink, it should not be able to use that information to challenge CenturyLink's identified census blocks. Nor should CenturyLink have to engage in cumbersome processes to obtain that information, especially when there are numerous challenges which require a response. Instead, that information should be made available to CenturyLink at the time the challenge is filed.

Also, with respect to FCC Form 477 data, because that data is submitted by census tract, it likely has little value in confirming whether a particular census block within a census tract is served, so as to sustain a challenge. Additionally, because challengers have not been given the opportunity to review and respond to such data, the Bureau should not consider FCC Form 477

data in determining these challenges unless the challenged party is provided an opportunity to review and respond to that information.

III. CENTURYLINK'S SPECIFIC RESPONSES TO CHALLENGES

In responding to each of the specific challenges made to CenturyLink's selection of eligible census blocks, CenturyLink incorporates the general issues and arguments raised above into the specific responses below without repeating them again in full.

A. Challenges That Directly Identified CenturyLink

For the challenges addressed in this section, CenturyLink appreciates that the challengers identified CenturyLink and the CenturyLink census blocks they are challenging. Nevertheless, CenturyLink views that these challenges should be denied for the applicable general reasons discussed above and the additional specific reasons stated below.

1. Without submitting any information confidentially:

Atlantic Telecom Multimedia Consolidated (ATMC). ATMC challenges three census blocks in North Carolina that CenturyLink identified. CenturyLink identified that we would build to 12 locations in these census blocks that currently have less than 3/768 broadband service. ATMC provides only an officer certification under penalty of perjury that it provides 3/768 service in these three census blocks. ATMC does not provide any maps, customer bills, information regarding specific customer locations, or any other documentary evidence to support its officer certification. ATMC does not provide any explanation as to why the NBM does not reflect that these three census blocks are served by ATMC. By not providing any evidence beyond its conclusory assertion that it provides 3/768 service in these three census blocks, ATMC has failed to establish that it is more likely than not that the status of these three census blocks should be treated differently than what is shown on the NBM. This challenge should be denied.

B2X Online (B2X). B2X challenges 30 census blocks in Franklin County, Virginia that CenturyLink identified. CenturyLink identified that we would build to 440 locations in these census blocks. B2X provides an officer certification under penalty of perjury that it provides service of at least 3/768 to customers in the challenged census blocks. B2X also provides a list that reflects the city, county, zip code, latitude and longitude of customer locations, identifying at least one customer location for each challenged census block. But, B2X does not provide any evidence beyond its certification of the speed of service being provided to customers in the challenged census blocks. As such, B2X has not sufficiently demonstrated that it provides broadband service at speeds of at least 3/768 in each challenged census block and the challenge should be denied.

Bristol Virginia Utilities Board (BVU). BVU challenges two census blocks in Virginia that CenturyLink identified. CenturyLink identified that we would build to 49 locations in these census blocks. BVU provides only an officer certification that states that the two census blocks “contain a project” for which BVU received Broadband Technology Opportunities Program (BTOP) funding, and that the “project will eventually provide fixed Internet access with speeds of 3 Mbps/768 kbps or higher.” BVU does not provide any map of the planned project area, or identify any residential locations to which it intends to provide service. Given this lack of information and the absence of publicly-available sources that provide this information, CenturyLink cannot evaluate whether there is any overlap between the project area and CenturyLink’s service area and planned deployment. BVU’s statement that the two census blocks “contain” a BTOP project, without any documentation of the specific geographic scope of the project within the census block or the planned deployment to locations within those census

blocks should not be sufficient to preclude support for CenturyLink's planned broadband deployment to locations within CenturyLink's service territory in these census blocks.

CenturyLink has already certified that we exercised due diligence to determine that the locations we identified for support were not within the service area of Broadband Initiatives Program (BIP) or BTOP funded projects. BVU's statements regarding its BTOP project in these census blocks should not be sufficient to rebut CenturyLink's certification.

Country Connections. Country Connections challenges two census blocks in Ohio that CenturyLink identified and for which CenturyLink plans broadband deployment to six locations. Country Connections provides an officer certification, but not under penalty of perjury, that it offers 4/1 broadband service in the challenged census block. Country Connections provides a single customer invoice and redacted the street address making it difficult to determine the corresponding census block. Nevertheless, based on the zip code of the invoice CenturyLink has determined that it does not correspond to either of the challenged CenturyLink census blocks. As such, Country Connections has not provided a customer invoice for either of the two CenturyLink census blocks it is challenging.

Country Connections provides a map of their fixed wireless broadband coverage, but does not overlay the challenged census blocks on the coverage map. Country Connections provides some additional documents related to field tests of their fixed wireless coverage, but it is unclear to CenturyLink what these documents are intended to demonstrate for purposes of this challenge as they do not include speed tests. Country Connections' certification that was not submitted under penalty of perjury, along with the absence of any other evidence that it provides broadband service at speeds of at least 3/768 in the two CenturyLink census blocks challenged is not sufficient to sustain its challenge. This challenge should be denied.

Cox Communications, Inc. (Cox). Cox challenges 94 census blocks that CenturyLink identified in seven states: Arizona (3), Arkansas (5), Florida (11), Iowa (22), Kansas (1), Louisiana (6) and Nebraska (46). These census blocks encompass over 1200 locations to which CenturyLink plans to deploy 4/1 broadband service. Cox provides several declarations from officer and manager employees under penalty of perjury that the records relied on in creating the challenge were current as of September 2013. Cox does not, however, provide an officer certification regarding the service it provides in the challenged census blocks.

Cox describes the process it used to determine the challenged census blocks which relied on reviewing its systems and network data that is more current than the NBM used by the price cap carriers to make our elections. But, Cox does not provide the updated data on which it relied. Further, Cox's process for identifying challenged census blocks does not separately identify census blocks where Cox actually provides service to customers, but only identifies census blocks where Cox could provide service to customers if requested. Cox has not identified a single customer location where it actually provides service in the challenged census blocks. Nor has Cox provided any maps of its coverage area in relation to the challenged census blocks. In sum, Cox has not certified that it provides fixed broadband Internet access service at speeds of at least 3/768 in each of the challenged census blocks, and it has not provided any maps or customer bills to demonstrate that it serves customers with the requisite broadband service in any of the challenged census blocks. As such, Cox has not demonstrated that these census blocks should be deemed served. Cox's challenge should be denied.

CyberNet1. Cybernet1 challenges 342 census blocks in Montana that CenturyLink identified encompassing over 4,000 locations to which CenturyLink plans to deploy 4/1

broadband service. Cybernet1 provides an officer certification under penalty of perjury but it does not state that Cybernet1 provides at least 3/768 fixed terrestrial service in each census block it is challenging. Instead, the certification states that Cybernet1 “provides speeds from 1 Mbps Down and 1 Mbps Up to 8 Mbps down and 2 Mbps Up” in the challenged census blocks. In reviewing Cybernet1’s website it reflects that Cybernet1 offers wireless Internet service but also resells satellite broadband service and CenturyLink’s DSL service.¹³ Cybernet1 has not stated that the service supporting its challenge is its own facilities-based terrestrial fixed broadband service.¹⁴ Cybernet1’s website also reflects that its wireless broadband service for business customers is capped at 3 Mbps, while its wireless broadband service for residential customers is capped at 768 kbps to 1 Mbps.¹⁵ Cybernet1 has not provided any maps of its coverage area in relation to the challenged census blocks. Cybernet1 provides a sample of customer bills, but does not come close to providing a customer bill for each census block challenged. Further, Cybernet1 has redacted the street number on the customer bills making it impossible to verify the customer location and its associated census block. Still further, while many of the bills reflect a service of “up to 3m Broadband Wireless”, at least one bill fails to reflect any service, and several others only reflect a service of “Wireless” with some further possible descriptor redacted. Given all of this, Cybernet1 has not demonstrated that it provides terrestrial, fixed broadband Internet access service at speeds of at least 3/768 to customers in each challenged census block. Cybernet1’s challenge should be denied.

¹³ See Cybernet1 Webpages, Attachment 2.

¹⁴ And, it would be absurdly unfair if Cybernet1 was able to use resale of CenturyLink’s DSL service to exclude CenturyLink from using support to upgrade that service in these census blocks.

¹⁵ See Attachment 2.

Desert Winds Wireless (Desert Winds). Desert Winds challenges 41 census blocks in Washington that CenturyLink identified as encompassing 90 locations to which CenturyLink plans to deploy 4/1 broadband service. Desert Winds does not provide an officer certification regarding its service in the challenged census blocks and provides no statement that it provides at least 3/768 fixed broadband service in these areas. Desert Winds provides a map that appears to reflect the challenged census blocks and the location of Desert Winds towers in some ill-defined proximity to the challenged census blocks. Desert Winds references its “most recent FCC 477 paperwork” as reflecting these areas have current customers. This reference to its FCC Form 477 data is unfair to CenturyLink as we do not have access to that data, and it is also likely not sufficiently probative of whether Desert Winds is providing the required service in each census block challenged. Desert Winds does not provide any customer bills, provide any evidence of specific customer locations, or provide any evidence of the nature and speed of service it is providing in each of the challenged census blocks. Given all of this, Desert Winds’ challenge should be denied as it has not provided sufficient evidence of the requisite service in each challenged census block to sustain its challenge.

Fidelity Communications Company (Fidelity). Fidelity challenges eight census blocks in Missouri that CenturyLink identified encompassing 231 locations to which CenturyLink plans to deploy 4/1 broadband service. Fidelity provides an officer certification under penalty of perjury that Fidelity offers at least 3/768 broadband Internet access service to customers within each challenged census block. Fidelity states that it currently has at least one customer in six of the challenged census blocks and purportedly provides a customer bill for each of those census

blocks, but the street addresses are redacted.¹⁶ Fidelity's redaction of the street address on the customer bills, and in the absence of any other customer location information, makes it impossible for CenturyLink to evaluate Fidelity's assertion of service. Further, of the six customer bills provided that are purportedly for customers in challenged CenturyLink blocks, only three of them reflect a speed for the Internet service that suggests a sufficient broadband speed offering. For the other three bills, two do not reflect any Internet service, and the third reflects Internet service, but without any reference to the speed of the service. Fidelity does not provide any maps of its coverage area as compared to the challenged census blocks. In the absence of verifiable street addresses or other customer location information as well as the insufficient information on customer bills regarding the speed of the Internet service provided or the provision of Internet service at all, Fidelity's challenge should not be sustained.

Hiawatha Broadband Services (Hiawatha). Hiawatha challenges four census blocks in Minnesota that CenturyLink identified encompassing 96 locations to which CenturyLink plans to deploy 4/1 broadband service. Hiawatha provides only an officer certification made under penalty of perjury that certifies that Hiawatha offers broadband exceeding 3/768 speeds in the challenged census blocks. Hiawatha does not provide any supporting evidence to its conclusory assertion of service. Hiawatha does not provide any map reflecting its coverage area with respect to the challenged census blocks. It does not provide any customer bills or any identification of specific customer locations to which it provides the requisite service. It does not provide any supporting evidence of the speed of the service it provides to customers. Hiawatha

¹⁶ Fidelity asserts that it does not have customers in the remaining two challenged census blocks because they have no serviceable locations. CenturyLink is reviewing its location data with respect to these two census blocks and has no response to this portion of the challenge at this time.

has not sufficiently demonstrated that it provides fixed broadband Internet service at speeds of at least 3/768 to customers in the challenged census blocks and as such its challenge should be denied.

Internet Xpress. Internet Xpress challenges 71 census blocks in Washington that CenturyLink identified as encompassing 600 locations to which CenturyLink plans to deploy 4/1 broadband service. Internet Xpress does not provide an officer certification regarding its service in the challenged census blocks and does not provide any statement that it provides at least 3/768 fixed broadband service in these areas. Internet Xpress provides a map that appears to reflect the challenged census blocks, but does not appear to provide any other information (such as Internet Xpress's coverage area). Internet Xpress does not provide any customer bills, provide any evidence of specific customer locations, or provide any evidence of the nature and speed of service it is providing in each of the challenged census blocks. Given all of this, Internet Xpress's challenge should be denied as it has not provided sufficient evidence of the requisite service in each challenged census block to sustain its challenge.

Lake County Communications (Lake County). Lake County challenges fourteen census blocks in Minnesota that CenturyLink identified as encompassing almost 100 locations to which CenturyLink plans to deploy 4/1 broadband service. Lake County certifies that these census blocks are part of their BIP project and thus ineligible for Round 2 support. But, Lake County does not provide any other information to demonstrate that the challenged census blocks are within their BIP project. Lake County does not provide any maps of the project area such that (1) the Bureau could confirm that the project includes these census blocks and (2) CenturyLink could evaluate whether the locations to which it intends to deploy 4/1 broadband in these census

blocks might be outside of the project area, and thus still eligible for support. In fact, CenturyLink requested information regarding the planned scope of the Lake County BIP project in September, and was told that we would be provided that data, but we have yet to receive it. Lake County does not state that it is currently providing service to any customers in the challenged census blocks, or provide any information as to when it might do so. In sum, Lake County's conclusory assertion that the challenged census blocks are within its BIP project without any other evidence to support that statement should not be sufficient to demonstrate that the challenged census blocks are ineligible for Round 2 support. For these reasons, the Lake County challenge should be denied.

Mediacom Communications Corporation (Mediacom). Mediacom challenges 40 census blocks that CenturyLink identified in six states: Arizona (11), Florida (6), Iowa (7), Minnesota (6), North Carolina (2), and Wisconsin (8). CenturyLink has identified 452 locations to which it would deploy 4/1 broadband in these census blocks. Mediacom provides an officer certification made under penalty of perjury that Mediacom provides at least 3/768 fixed broadband service in each of the challenged census blocks. Mediacom includes on its census block list the number of "serviceable homes passed" in each challenged census block, but does not explain what constitutes a serviceable home passed for Mediacom. Mediacom does not provide any maps of its service area relative to the challenged census blocks. It does not provide any customer bills or any other evidence that it actually serves any customer in any of the challenged census blocks. It also does not provide any other evidence regarding the speeds and type of broadband service it provides in these challenged census blocks. In sum, Mediacom has not provided sufficient evidence to demonstrate that each of the challenged census blocks is served. The challenge should be denied.

N.E. Colorado Cellular, Inc. dba Viaero Wireless (Viaero). Viaero challenges 108 census blocks in Colorado that CenturyLink identified encompassing almost 500 locations to which CenturyLink plans to deploy 4/1 broadband. Viaero provides an officer certification under penalty of perjury that it provides at least 3/768 fixed wireless Internet service in each of the challenged census blocks. On its census block list Viaero provides a latitude and longitude coordinate for each census block, but does not identify what the coordinates represent. Viaero has also provided maps of its coverage and customer locations relative to the challenged census blocks. Those maps, however, seem to reflect that in many of the challenged census blocks Viaero (1) does not have coverage, (2) does not have customers, or (3) has neither coverage nor customers. Additionally, Viaero has only provided three customer invoices on which they have redacted the customer street address making it impossible to verify that these customer locations are in challenged census blocks. Viaero has not provided customer invoices for each census block challenged.

Further, examination of these challenged census blocks, using NBM data, shows that throughout the state of Colorado Viaero has self reported its service area using a TransTech code of 80 which indicates Terrestrial Mobile Wireless service. Viaero must provide a fixed broadband service, not a mobile broadband service, to support a challenge. Viaero's NBM data at best provides no support for Viaero's challenge and also raises questions as to its assertion of providing fixed broadband service in the challenged census blocks. As such, Viaero has not sufficiently demonstrated that it actually provides at least 3/768 fixed broadband service to customers in each of the census blocks it is challenging. Viareo's challenge should be denied.

Rural Broadband Network Services (RBNS). RBNS challenges twelve census blocks in Virginia that CenturyLink identified encompassing 58 locations to which CenturyLink intends to deploy 4/1 broadband. RBNS provides an officer certification under penalty of perjury that “four RBNS customers located in Census Block 511390303002026, and one RBNS customer is located in Census Block 511390304002021 are currently being served by RBNS with fixed Internet access with speeds of 3 Mbps/768 kbps or higher.” Of these two census blocks, only the first one is a challenged census block. The second census block is not a census block that CenturyLink identified for Round 2 support, and it is also not reflected on RBNS’s list of challenged census blocks. In short, RBNS has only certified that it provides the requisite service to customers in one census block that it is challenging.

Further, RBNS acknowledges that it does not have broadband Internet access customers in the other eleven census blocks that it challenges. Instead, for those census blocks it can make the requisite broadband speed available to customers “within a brief period without an extraordinary commitment of resources” and provided that the customers are within RBNS’s coverage area. RBNS provides three maps pertaining to its coverage, but the maps are difficult to interpret without some frame of reference, and none appear to reflect RBNS’s coverage relative to the challenged census blocks. RBNS does not provide any customer invoices to demonstrate that they provide service in the one challenged census block where they have customers or to demonstrate the speed of the broadband service they are providing. In sum, RBNS’s certification that it provides the requisite service in one challenged census block and its inconclusive coverage maps are not sufficient evidence that RBNS provides the requisite service in the challenged census blocks. RBNS’s challenge should be denied.

Shenandoah Cable TV (Shentel). Shentel challenges 27 census blocks in Virginia that CenturyLink identified. CenturyLink identified that we would deploy 4/1 broadband service to over 250 locations in these census blocks. Shentel asserts that it currently provides at least 3/768 broadband service to customers in each of the challenged census blocks and provides a signed officer certification under penalty of perjury to that effect. Shentel provides a customer bill for most of the challenged census blocks that reflect that Internet service is provided, (although not all of the bills clearly reflect the speed of the service). Shentel does not provide any customer bill for the following four census blocks:

510310201022019

510670207003052

511119303002039

511970503022034

Shentel also provides maps, all of which reflect that in each of the challenged census blocks Shentel is purportedly providing “high speed data” in at least a portion of each census block. At the same time, however, the maps clearly reflect that Shentel’s coverage in most of these census blocks is only partial coverage. In turn, Shentel’s mapped coverage areas that reflect only partial coverage in a census block, in conjunction with its failure to provide customer bills for the four census blocks identified above should not preclude CenturyLink’s ability to use CAF support to deploy broadband to locations in these census blocks generally, and in at least the four census blocks without customer bills in particular.

Texas Communications (TC). TC challenges three census blocks in Texas that CenturyLink identified that encompass nine locations to which CenturyLink plans to deploy 4/1 broadband service. TC provides an officer certification under penalty of perjury that it provides

Internet service at speeds of at least 3/768 in the challenged census blocks. The certification does not certify that the Internet service is fixed, although the cover letter states that TC is operating a fixed wireless Internet distribution network in the challenged census blocks. TC also provides a map of its coverage reflecting that the challenged census blocks are wholly contained within its coverage area, but it does not explain what that coverage is or the speed of that coverage.

TC provides three customer invoices, although it is challenging a total of 32 census blocks (both Windstream and CenturyLink census blocks). None of the three customer invoices pertain to the CenturyLink census blocks that TC is challenging. As such, for the CenturyLink census blocks that TC is challenging, it has provided a conclusory certification of service and a map that purports to show the challenged census blocks are encompassed by its coverage area, without explaining what that coverage is. TC has not provided any demonstrative evidence that it provides service to customer locations within the CenturyLink challenged census blocks with the requisite service. TC has failed to provide sufficient evidence to demonstrate that it is more likely than not that it provides fixed broadband Internet service at speeds of at least 3/768 in each of the CenturyLink challenged census blocks. This challenge should be denied.

Time Warner Cable, Inc. (TWC). TWC challenges 2,607 census blocks in total but only nine census blocks in Alabama, North Carolina and Ohio that CenturyLink identified encompassing 40 locations to which CenturyLink plans to deploy 4/1 broadband service. TWC asserts that it has at least one current or former customer in 2,396 of the challenged census blocks and that the remaining 211 census blocks are “serviceable” by TWC. TWC further asserts that 57 of the census blocks it is challenging are reflected as served on the NBM based on data as of June 2012. Of those, TWC has reconfirmed that it does or has served 50 and that the

remaining 7 are “serviceable.” TWC also asserts that 292 of the challenged census blocks are shown as served by TWC on the NBM based on December 2012 data of which TWC has reconfirmed that it does or has served 219 and the remaining 73 are “serviceable”.

Based on a review of TWC’s attachments, TWC has asserted that all nine of the CenturyLink challenged census blocks are reflected as served by TWC on the NBM. In reviewing the NBM, CenturyLink can confirm that all nine are reflected as partially served by TWC. But, the locations that CenturyLink has identified to serve in these census blocks are all within the portions of the census blocks that TWC does not serve.¹⁷

TWC provides an officer certification made under penalty of perjury that it serves or is able to provide service in the challenged census blocks with broadband Internet access service at speeds that exceed the applicable thresholds. TWC has opted, however, not to provide customer invoices, or other evidence of specific customer location information or the broadband Internet access service speeds that it provides to customers. Given that the NBM map reflects that TWC only partially serves these census blocks, and CenturyLink’s data shows that the locations it intends to serve in these census blocks are outside of TWC’s service area, CenturyLink should not be precluded for receiving Round 2 support for these census blocks. This challenge should be denied.

2. That include submission of, or reference, to confidential information:

As an initial matter, with respect to each of the challenges included in this section, as discussed previously in Section II.C, CenturyLink views that the Commission should either (1)

¹⁷ See CenturyLink Locations Within Time Warner Cable-challenged Census Blocks, Attachment 3. Attachment 3 provides a list of CenturyLink’s planned locations for 4/1 broadband service deployment identified by latitude and longitude within the CenturyLink census blocks challenged by TWC. None of these locations is within TWC’s service area in the challenged census blocks.

not consider the confidential information submitted in these challenges, or (2) require the challenger to provide the information to CenturyLink if they wish that information to be considered, and afford CenturyLink additional time to review and respond to that information.

Armstrong Utilities, Inc. (Armstrong). Armstrong challenges six census blocks in Ohio identified by CenturyLink encompassing 21 locations to which CenturyLink plans to deploy 4/1 broadband service. Armstrong provides an officer certification made under penalty of perjury that it offers fixed broadband Internet access service at speeds of at least 3/768 to current and prospective customers in the challenged census blocks. Armstrong asserts that the challenged census blocks are designated as served by it on the NBM. CenturyLink has reviewed the NBM data and it does not reflect that Armstrong serves these six census blocks.¹⁸

Armstrong purportedly provides information to the Bureau regarding (1) the number of current Armstrong broadband Internet service subscribers in the challenged census blocks, (2) the number of homes passed and location information for those homes in the challenged census blocks, (3) the number of Armstrong network facilities in each challenged census block, and Armstrong network maps for the challenged census blocks. All of this information, however, Armstrong has filed confidentially. For reasons raised above, the Bureau should not consider the confidential information submitted by Armstrong unless CenturyLink first has an opportunity to review and respond to that information. Additionally, it seems that Armstrong has not provided any evidence to demonstrate the speeds at which it provides service to customers in the challenged census blocks. The Bureau should either deny Armstrong's challenge for failure to

¹⁸ See Armstrong Utilities-challenged CenturyLink Census Blocks and Armstrong Coverage Area on National Broadband Map, Attachment 4. Attachment 4 shows Armstrong's coverage area as reflected on the NBM (in blue) compared to CenturyLink's service area (in green) and the six CenturyLink census blocks it is challenging (each identified by last 4 digits and cross-hatching). None of the challenged census blocks overlap the Armstrong coverage area.

demonstrate that it is providing its Internet access service at speeds of at least 3/768 in the challenged census blocks, or provide CenturyLink an opportunity to review the confidential information that Armstrong has provided and provide a further response prior to rendering any decision in this challenge.

Charter Communications, Inc. (Charter). Charter challenges over 1400 census blocks of which 289 are census blocks that CenturyLink identified in Alabama, Minnesota, North Carolina, Oregon, Tennessee and Wisconsin. The vast majority of these challenged census blocks – 271 – are in Oregon. The challenged census blocks encompass over 1,850 locations to which CenturyLink plans to deploy 4/1 broadband service. Charter provides a perfunctory officer affidavit under penalty of perjury that Charter “offers and provides fixed broadband Internet access service of at least 3 Mbps downstream / 768 kbps upstream to multiple current and prospective customers in each [challenged] census block. . . .”

Charter provides a list of the challenged census blocks that includes for each census block an address of “a current Charter broadband customer or Charter serviceable home”. That information, however, Charter has provided confidentially such that CenturyLink has had no opportunity to review that information. For reasons raised above, the Bureau should not consider the confidential information submitted by Charter unless CenturyLink first has an opportunity to review and respond to that information.

CenturyLink does not know whether in that list Charter has indicated when a location is served versus merely serviceable, but as CenturyLink has argued above, serviceable-only census blocks should not be sufficient to preclude use of Round 2 support to deploy 4/1 broadband service in those areas. Additionally, Charter has opted not to provide any evidence beyond its conclusory certification regarding the speeds at which it provides broadband service in the

challenged census blocks. Nor has Charter provided any maps depicting its service area in relation to the challenged census blocks. In sum, Charter has not provided sufficient information to demonstrate that it provides fixed broadband Internet access service at speeds of at least 3/768 in each census block it is challenging. Charter's challenge should be denied.

*SpeedConnect LLC (SpeedConnect).*¹⁹ SpeedConnect challenges 290 census blocks in Idaho and 287 in Montana that CenturyLink identified. CenturyLink identified that we would build to over 2,600 locations in the census blocks in Idaho and over 4,400 locations in Montana. For each challenge, SpeedConnect provides an officer certification under penalty of perjury, but it does not clearly state that SpeedConnect is providing at least 3/768 service in each census block it is challenging. Specifically, SpeedConnect's CEO states that it provides Internet and VoIP services in the challenged census blocks "at speeds as high as 10 Mbps downstream and 1.5 Mbps upstream which are well in excess of the required 3 Mbps downstream and 768 kbps upstream levels needed to challenge funding to competitive providers." But there is no statement that these higher speeds, or speeds of at least 3/768, are provided in each census block SpeedConnect is challenging.

SpeedConnect purportedly provides a cross-section of its subscriber list to the Commission and some sample customer invoices, although it has made no request to file the information confidentially. It has not provided that cross-section such that CenturyLink has access to that information. SpeedConnect acknowledges that it has not provided a customer invoice for each challenged census block.

¹⁹ Speed Connect filed its challenges to CenturyLink-identified census blocks in Idaho and Montana as two separate challenges, but CenturyLink is addressing those challenges together in this response.

SpeedConnect also purports to provide several maps reflecting subscriber locations, but CenturyLink has located only one map in the filing and it is unintelligible. SpeedConnect includes a page of “high-speed plans” that it markets in Idaho and Montana, but only the Platinum plan references the speeds available under those plans, and arguably would satisfy a broadband speed of at least 3/768. SpeedConnect has also referenced its Form 477 data on file with the Commission, which is unlikely to conclusively demonstrate that SpeedConnect provides at least 3/768 broadband service in each census block it is challenging.

In sum, SpeedConnect has not provided a valid certification that it is providing at least 3/768 service in each census block it is challenging, has possibly provided some customer location information to the Commission, but has not provided CenturyLink with any customer location information, such that CenturyLink could properly respond to this challenge, and has not provided maps, at least not to CenturyLink, that show SpeedConnect’s coverage in the challenged census blocks. As such, SpeedConnect has failed to provide sufficient evidence that it provides at least 3/768 service in each of the census blocks it challenges, and these challenges should be denied.

Suddenlink Communications (Suddenlink). Suddenlink challenges approximately 450 census blocks of which 293 are census blocks that CenturyLink identified in six states: Arizona, Arkansas, Louisiana, Missouri, North Carolina and Texas. The challenged census blocks encompass over 4,800 locations to which CenturyLink intends to deploy 4/1 broadband service. Suddenlink provides an officer certification made under penalty of perjury that it offers fixed broadband Internet access service at speeds of at least 3/768 to current and prospective customers in the challenged census blocks.

Suddenlink provides a list of the challenged census blocks that includes for each census block a “broadband customer or serviceable home address” that it serves. That information, however, Suddenlink has provided confidentially such that CenturyLink has had no opportunity to review that information. For reasons raised above, the Bureau should not consider the confidential information submitted by Suddenlink unless CenturyLink first has an opportunity to review and respond to that information.

CenturyLink does not know whether in that list Suddenlink has indicated when a location is served versus merely serviceable, but as CenturyLink has argued above, serviceable-only census blocks should not be sufficient to preclude use of Round 2 support to deploy 4/1 broadband service in those areas. Additionally, Suddenlink has opted not to provide any evidence beyond its conclusory certification regarding the speeds at which it provides broadband service in the challenged census blocks. Nor has Suddenlink provided any maps depicting its service area in relation to the challenged census blocks. In sum, Suddenlink has not provided sufficient information to demonstrate that it provides fixed broadband Internet access service at speeds of at least 3/768 in each census block it is challenging. Suddenlink’s challenge should be denied.

WaveDivision Holdings, LLC (WaveDivision). WaveDivision challenges 22 census blocks in Oregon and Washington that CenturyLink identified encompassing over 600 locations to which CenturyLink intends to deploy 4/1 broadband service. WaveDivision provides an officer certification made under penalty of perjury that it offers fixed broadband Internet access service at speeds of at least 3/768 to current and prospective customers in the challenged census blocks.

WaveDivision provides a list of the challenged census blocks that apparently includes for each census block the number of homes that WaveDivision passes in each census block. That information, however, WaveDivision has provided confidentially such that CenturyLink has had no opportunity to review that information. For reasons raised above, the Bureau should not consider the confidential information submitted by WaveDivision unless CenturyLink first has an opportunity to review and respond to that information.

Apparently, WaveDivision has not drawn a distinction between census blocks in which it actually provides service to customers and census blocks where it views it could provide service, but has no customers. As CenturyLink has argued above, serviceable-only census blocks should not be sufficient to preclude use of Round 2 support to deploy 4/1 broadband service in those areas. Further, WaveDivision has opted not to provide any evidence beyond its conclusory certification to demonstrate that it actually provides service to customers in the challenged census blocks or to demonstrate the speeds at which it provides broadband service in the challenged census blocks. It has not provided any customer invoices that might meet this need. Nor has WaveDivision provided any maps depicting its service area in relation to the challenged census blocks. In sum, WaveDivision has not provided sufficient information to demonstrate that it is more likely than not that it provides fixed broadband Internet access service at speeds of at least 3/768 in each census block it is challenging. WaveDivision's challenge should be denied.

B. Challenges That Include CenturyLink-Selected Census Blocks Without Identifying CenturyLink Specifically:

As an initial matter, with respect to the challenges included in this section, as discussed previously in Section II.A, CenturyLink views that the Commission should decline to consider these challenges which did not identify the price cap carrier(s) whose census blocks they were

challenging. Nevertheless, CenturyLink provides additional specific responses to these challenges below.

1. Without submitting any information confidentially:

BEK Communications Cooperative (BEK). BEK challenges seven census blocks in Burleigh County, North Dakota without identifying the price cap carrier associated with these census blocks. Upon review, however, CenturyLink has determined that we identified all seven census blocks on our list. CenturyLink proposed to deploy 4/1 broadband to 20 locations in these seven census blocks. BEK asserts that it provides fiber-to-the-home service in these seven census blocks. BEK provide an officer certification under penalty of perjury that it “is capable of providing speeds far greater than 4 Mbps downstream and 1 Mbps upstream” in the challenged census blocks. For five of the challenged census blocks, BEK serves no customers with broadband service (for four of those census blocks “there are no households within BEK’s service area within this census block”). But, BEK explains that it has constructed fiber around the perimeter of these census blocks and could deploy high-speed broadband service within 10 days of a request for service. For the remaining two census blocks BEK has provided customer bills reflecting its provision of high-speed broadband service in those census blocks. BEK has not provided any maps depicting its service territory in these census blocks. At a minimum, BEK’s purported ability to serve reflected only as zero broadband customers in five of these census blocks should not preclude support to CenturyLink to deploy broadband to locations in these census blocks.

Cable One. Cable One challenges 236 census blocks in six states without identifying which census blocks corresponded to which price cap carriers. After analyzing CableOne’s census block list, CenturyLink determined that Cable One is challenging 50 of CenturyLink’s

census blocks in three states: (1) 36 census blocks in Idaho, (2) two census blocks in Nebraska, and (3) twelve census blocks in Oregon. CenturyLink proposed to deploy 4/1 broadband to over 430 locations in these census blocks. Cable One provides only a declaration under penalty of perjury that it offers Internet access service exceeding 3/768 in each of the census blocks it challenges. Cable One does not provide any maps, customer bills, information regarding specific customer locations, or any other documentary evidence to support its officer certification. Cable One offers no explanation as to why the challenged census blocks are not reflected as served on the National Broadband Map. For the reasons stated in the general issues discussion above, CenturyLink views that Cable One's failure to provide any other evidence to support its conclusory assertions of service cannot sustain this challenge.

Comcast Corporation (Comcast). Comcast challenges 2,217 census blocks without identifying either the price cap carriers challenged or their corresponding census blocks. After analyzing Comcast's census block list, CenturyLink determined that Comcast is challenging 268 census blocks that CenturyLink identified in thirteen states: Colorado (2), Florida (23), Indiana (2), Louisiana (2), Mississippi (10), Missouri (5), New Jersey (6), New Mexico, (98), South Carolina (14), Tennessee (9), Texas (1), Virginia (78), and Washington (18). These census blocks encompass over 2,600 locations to which CenturyLink plans to deploy 4/1 broadband Internet access service. Comcast asserts that of the 2,217 census blocks it is challenging "approximately 1,040 census blocks represent areas that were identified in Comcast's most recent submissions to mapping authorities as being served by its broadband Internet service, although they were not reported in Comcast's June 2012 mapping submissions", while the other approximately 1,177 census blocks were already reflected as served by a competitive provider in

the NBM based on June 2012 data.²⁰ Comcast does not, however, identify which of the 2,217 census block fall into which category. Nor does it provide the updated mapping data it has provided to mapping authorities.

To CenturyLink's knowledge, this updated mapping data is not currently publicly available, and even if it were, neither the Bureau nor CenturyLink should have to track down that information to evaluate Comcast's challenge. CenturyLink only identified census blocks that were not identified as served by a competitive provider with at least 3/768 broadband on the NBM based on June 2012 data. Thus, Comcast's challenge of CenturyLink data can only be based on updated information that it has not provided here to support its challenge. Asserting new data without providing it cannot be sufficient to sustain this challenge.

Comcast provides the statement of an independent contractor that describes that the 2,217 Comcast-challenged census blocks result from his comparison of the WCB's published list of eligible census blocks to Comcast's state broadband mapping submissions reflecting Comcast's fixed broadband Internet service at speeds of at least 3/768 as of June 2013. Comcast then provides a certification from its Executive Director of Government Affairs, Comcast Cable Communications, under penalty of perjury that to the best of his knowledge the information in the independent contractor certification is correct and true. Comcast's certification does not meet the Commission's criteria in that no officer certifies to the speed of the broadband service provided or that it is provided to customers in each challenged census block, and it is unclear whether the Executive Director of Government Affairs is an officer of the company.

In this challenge Comcast has done nothing more than assert that it provides the requisite service in the challenged census blocks based on a review of its own mapping data that it has not

²⁰ Comcast challenge at 2 & its attached Gwynn Group certification.

provided. It has not provided any customer location information or other evidence of the speed provided in these challenged census blocks. This minimal effort and its conclusory assertions of service without supporting documentation cannot be sufficient to sustain this challenge.

Comcast's challenge in its entirety should be denied. To the extent that the Bureau intends to consider updated data that Comcast has not provided, CenturyLink should be afforded an opportunity to review and respond to that data prior to the Bureau rendering any decision regarding this challenge.

Co-Mo Comm, Inc. (Co-Mo). Co-Mo challenges eight census blocks in Missouri without identifying the associated price cap carriers. After reviewing Co-Mo's census block list, CenturyLink determined that seven of the eight census blocks are on our list encompassing 27 planned deployment locations. Co-Mo has provided a certification from its general manager under penalty of perjury that Co-Mo is deploying fiber optic routing in the challenged census blocks and asks that the census block "be considered to be served by broadband service up to 100 mbps download and 25 mbps upload transmission speeds as of November 30th, 2013." Co-Mo is not currently providing broadband service in the challenged census blocks. Additionally, the certification does not state that Co-Mo will actually provide broadband service in each challenged census block of at least 3/768.

Co-Mo provides a map depicting locations where it has obtained signed agreements that customers will take service, including broadband service when it is available, and provides a signed agreement for each challenged census block. The applications reflect that the services to be installed include voice, video and a "data connection", but do not address the speeds at which the "data connection" will be provided. Because Co-Mo is not currently providing broadband service in any of the challenged census blocks and has failed to provide any statement or other

evidence that it will provide broadband service to customers in these census blocks at speeds of at least 3/768, Co-Mo has failed to demonstrate that it is serving the challenged census blocks at speeds of at least 3/768. The Commission should not sustain this challenge.

JAB Wireless, Inc. (JAB). JAB challenges hundreds of census blocks without identifying the price cap carriers being challenged. Upon review, CenturyLink has determined that 272 of them are ones that CenturyLink identified. These census blocks encompass over 2,900 locations to which CenturyLink plans to deploy 4/1 broadband service in Colorado, Idaho, Iowa, Minnesota, and Wisconsin. JAB provides an officer certification made under penalty of perjury that JAB provides Internet access service with speeds of at least 3/768 in each of the challenged census blocks. For the challenged census blocks JAB provides two lists of its customer addresses for each census block. But, JAB redacts the last two digits of each street address making it impossible to accurately map these customer locations. If the Bureau is going to consider JAB's customer location information, JAB should be required to provide the full street address for its customers to CenturyLink for its review, and CenturyLink should be afforded additional time to review and respond to this challenge.

JAB does not provide any maps of its coverage of at least 3/768 fixed broadband service in the challenged census blocks. This is particularly problematic because JAB has challenged certain census blocks and asserted it has customers in those census blocks, but CenturyLink has been unable to confirm any presence of JAB in those census blocks on the NBM.²¹ As such, it is unclear how JAB's list of customer addresses, but without customer invoices or updated maps of its coverage area is sufficient to demonstrate that these are in fact JAB customers.

²¹ For example, CenturyLink cannot find any JAB coverage on the NBM in these census blocks: 080690024021434, 080770018001116, 160079502002076, 160119502001178, 550439601003145, 550659705001050.

Additionally, the customer lists that JAB provides appear to reflect speeds at each address, but JAB does not state anywhere in its filing what these speeds are meant to represent leaving the probative value of that information unclear. The Bureau should deny JAB's challenge for failure to provide sufficiently probative customer location information and customer speed of service information to demonstrate its provision of broadband Internet service at the requisite speeds in the challenged census blocks.

Midstate Communications, Inc. (Midstate). Midstate challenges 16 census blocks in South Dakota without identifying the price cap carriers being challenged. Upon review, CenturyLink has determined that all sixteen of the census blocks are ones that CenturyLink identified. These census blocks encompass 35 locations to which CenturyLink plans to deploy 4/1 broadband service. Midstate provides an officer certification made under penalty of perjury that they serve the challenged census blocks with at least 4/1 broadband service. Midstate explains that its service in these census blocks is the result of buildout under a BIP FTTP project that it completed in September 2012. Midstate states that South Dakota provided updated mapping data reflecting Midstate's service to these challenged census blocks to NTIA on October 1, 2012. Midstate provides customer invoices for the 12 challenged census blocks in which it has current customers, and states that it can provide high-speed broadband service in the remaining four census blocks upon request.

In selecting our census blocks for Round 2, CenturyLink reviewed the publicly-available BIP project information and the NBM and only selected census blocks that were identified as unserved after consideration of that information. Based on that information the census blocks Midstate is challenging were not reflected as served. And while Midstate relies on updated mapping data, it has not provided it here for the Bureau's consideration. Nevertheless, in

reviewing the updated NBM data, CenturyLink notes that two of the challenged census blocks, 460159732002037 and 460159732002043 are only partially covered by Midstate's service area and two of CenturyLink's planned 4/1 broadband deployment locations are outside of Midstate's service area within those two census blocks.²² As such CenturyLink should not be precluded from receiving Round 2 support to deploy broadband service to at least those two locations.

Mosaic Telecom (Mosaic). Mosaic challenges approximately 168 census blocks in Wisconsin without identifying the price cap carriers being challenged. Upon review, CenturyLink has determined that all of the census blocks are ones that CenturyLink identified. These census blocks encompass over 1,000 locations to which CenturyLink plans to deploy 4/1 broadband service. Mosaic provides an officer certification made under penalty of perjury that it is a fixed wireless provider providing high-speed Internet access in excess of 4/2 speeds to customers within the challenged census blocks. Mosaic provides a list of challenged census blocks and indicates that 4/2 is the available speed in each census block. Mosaic does not provide any other information regarding its service in these challenged census blocks. It does not explain what it did to determine that it serves these census blocks. It does not provide any demonstrative evidence that it serves any customers in these census blocks. It does not provide any maps that show its purported coverage of these challenged census blocks. Mosaic's conclusory certification of service in the challenged census blocks does not establish that it serves the challenged areas with the requisite broadband service. Mosaic's challenge should be denied.

²² See CenturyLink Locations Within Midstate Communications-challenged Census Blocks with Partial Coverage, Attachment 5. Attachment 5 provides the latitude and longitude of the two CenturyLink planned 4/1 broadband deployment locations that are outside of Midstate's coverage area in two challenged census blocks.

Troy Cablevision, Inc. (Troy). Troy challenges fourteen census blocks in Alabama without identifying the price cap carriers being challenged. Upon review, CenturyLink has determined that all but one of the census blocks are ones that CenturyLink identified. These thirteen census blocks encompass 122 locations to which CenturyLink plans to deploy 4/1 broadband service. Troy provides an officer certification made under penalty of perjury that certifies that Troy offers 3/768 or greater Internet service to customers in the challenged census blocks.

Troy asserts that three of the census blocks are ineligible due to BTOP funding, but it also acknowledges that the homes it passes as a result of the routes constructed using BTOP funding are not currently able to access Troy's network. Instead Troy "anticipates spending non-federal funds in 1st Q 2014 to connect homes passed which were not an allowable expense under the BTOP grant." In other words, BTOP funds have not been used and will not be used to deploy broadband to the residential locations in the census block. And, there is no certainty that Troy actually will deploy broadband to these residential locations. These census blocks are neither served nor serviceable by Troy and thus cannot preclude Round 2 support for broadband deployment in these census blocks.

With respect to the remaining ten census blocks, Troy provides a listing of Internet service packages and the corresponding speeds, all of which reflect speeds in excess of the 3/768 standard. Troy provides 16 customer invoices that reflect customer addresses, but only eight reflect the purchased service packages. Troy also provides what appear to be computer screen prints which say "homes passed" and then reference a street address, but Troy does not explain what these screen prints are supposed to show. The addresses reflected on all of the invoices and computer screen prints have a city, state and zip code of Brundidge AL 36010. In mapping some

of the addresses and the zip code, CenturyLink has determined that the entire 36010 zip code and in turn all of the addresses on the customer invoices and computer screen prints are outside of the CenturyLink challenged census blocks.²³ In other words, the customer invoices and computer screen prints do not demonstrate that Troy provides service in the challenged census blocks.

Troy also provides maps that are described as “service area maps by census block”, and it appears that there may be locations identified on the map, but CenturyLink cannot discern Troy’s service areas or the perimeters of the challenged census blocks on the map, and no further explanation of the maps or what is represented therein is provided. As such, the maps seem to lack any probative value in this challenge. In the absence of any demonstrative evidence that it provides services in these challenged census blocks, Troy’s challenge should be denied.

2. That include submission of, or reference to, confidential information:

In addition to failing to identify CenturyLink as the price cap carrier whose census blocks it was challenging, the challenger below also relied on confidential information in making its challenge without making it available to CenturyLink for review. Thus, as an initial matter as discussed previously in Sections II.A & II.C, the Commission should either (1) decline to consider this challenge, (2) not consider the confidential information submitted in this challenge, or (3) require the challenger to provide the information to CenturyLink if they wish that information to be considered, and afford CenturyLink additional time to review and respond to that information.

²³ See Troy Cablevision-challenged CenturyLink Census Blocks and Zip Code 36010 Area, Attachment 6. Attachment 6 shows the CenturyLink census blocks challenged by Troy (in green) compared to the 36010 zip code area (in blue). None of the ten Troy-challenged census blocks that purportedly have customers touch the 36010 zip code area.

Sierra Communications Inc. (Sierra). Sierra challenges 53 census blocks in New Mexico without identifying the price cap carrier being challenged. Upon review, CenturyLink has determined that all of the census blocks are ones that CenturyLink identified. They encompass over 250 locations to which CenturyLink plans to deploy 4/1 broadband service. Sierra provides a certification from its General Manager certifying under penalty of perjury that Sierra offers broadband exceeding 3/768 speeds in the challenged census blocks. Sierra provides a redacted copy of its Form 477 reflecting data as of June 30, 2013. The redactions prevent CenturyLink from reviewing the challenged information and providing a response to the information redacted. As such, the information should either be disregarded or provided to CenturyLink so that it may review and respond to that information. Further, to the extent that customer location and information on the Sierra Form 477 is only on a census tract basis, CenturyLink anticipates that this information is not sufficiently specific to demonstrate that Sierra provides broadband service of at least 3/768 in each census block challenged.

Respectfully submitted,

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